

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
ERIE DIVISION**

ROBERT TROHA and FREDERICK BIGNALL	)	
on behalf of themselves and all others	)	
similarly situated,	)	
	)	
Plaintiff,	)	
vs.	)	
	)	Civil Action No. 05-191-E
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
	)	

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**STATUS REPORT**

Plaintiffs submit this Status Report to inform the Court of recent events in the administrative proceeding before the federal Surface Transportation Board in the case of Allegheny & Eastern Railroad, Inc. - Abandonment Exemption - In Elk and Cameron Counties, Pennsylvania - STB Docket No. AB-854(X). Proceedings in STB action have a direct effect on this case pending before the Court.

Plaintiffs report as follows:

1. On January 7, 2008, the STB granted the request of the West Creek Recreational Trail Association to extend the time to negotiate a Trail Use Agreement until March 8, 2008. (Attached as Exhibit A).
2. On March 3, 2008, West Creek Recreational Trail Association filed a motion to extend for ninety days the period, until June 6, 2008, to negotiate a Trail Use Agreement. (Attached as Exhibit B).
3. The Allegheny & Eastern Railroad filed a response with the STB on March 4, 2008,

stating that the railroad was agreeable to the extension. (Attached as Exhibit C).

4. The next day, March 5, 2008, Plaintiff Robert Troha filed a Petition to Intervene in the administrative proceedings before the STB on behalf of himself and the Class certified by the District Court. (Attached as Exhibit D).

5. Contemporaneously, Troha filed, on behalf of himself and the Class certified by the District Court, a Motion Opposing Any Additional Extension of Time to Negotiate a Trail Use Agreement. (Attached as Exhibit E).

6. At the time of this filing, neither the Railroad nor the Trails' Association has responded to Plaintiffs' filings with the STB.

7. Plaintiffs will advise the Court of the disposition of Plaintiffs' petition and motion pending before the STB.

Respectfully submitted,

s/David A. Cohen  
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Dated: March 7, 2008

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 7<sup>th</sup> day of March, 2008, the foregoing Status Report was electronically filed with the Clerk of the Court using the CM/ECF system, which, in turn, forwarded the same to counsel of record.

/s/David A. Cohen